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## **Definition of Solid Waste Compendium**

Volume N: Legitimate Recycling

U.S. Environmental Protection Agency  
Office of Resource Conservation and Recovery  
Materials Recovery and Waste Management Division

## **Navigation Tips**

**To improve document navigation:**

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## Introduction

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### *About the Compendium*

The Definition of Solid Waste Compendium serves as a user-friendly reference to assist Environmental Protection Agency (EPA) and state staff, industrial facilities generating and managing solid and hazardous wastes, as well as the general public, in locating resources addressing specific regulatory issues within the federal Definition of Solid Waste regulations. Please note that this reference is designed to be web-based; therefore, the usefulness of the document is maximized when it is viewed on a computer that is connected to the internet.

A frequently mentioned comment from stakeholders is the need for EPA to improve the user-friendliness of the existing regulations. Commenters note that the applicable Definition of Solid Waste regulations and relevant guidance materials are difficult to locate and use. As a result, stakeholders have difficulty in understanding the regulations and identifying solid waste. The objective of this document is to address some of the commenters' concerns by consolidating and streamlining the Definition of Solid Waste into a helpful reference tool that features a user-friendly format, including references to EPA FAQs (Frequently Asked Questions), letters, memoranda, and guidance documents that EPA has provided to the public through the years to help stakeholders interpret the Definition of Solid Waste. This document does not change any of the existing solid or hazardous waste requirements.

The resources referenced in the Compendium may include Federal Register (FR) notices, documents from [Resource Conservation and Recovery Act \(RCRA\) Online](#) (e.g., RCRA Hotline Q&A's, letters, and memoranda issued by EPA), and other resources, as well as relevant Code of Federal Regulations (CFR) language. We have attempted to identify the relevant resources for each Compendium volume topic. However, please note that EPA could have inadvertently overlooked a relevant document and did not reference it. Certain available resources, such as superseded RCRA Online documents and items that were judged to be not pertinent, have not been referenced. Most of the referenced resources are not included or reproduced in the Compendium; instead, hyperlinks to the resources are provided. As an exception, we have included a version of relevant sections of the most current CFR language (as of the date on the cover of the Compendium) that we have reformatted to make it easier to read and find citations of interest. In addition, we also provide links to the [Government Printing Office's Electronic Code of Federal Regulations Web site](#) (e-CFR), which is updated almost daily.

Please note that this document is also not a rulemaking in any way. As well, the included reformatted CFR language is not a substitute for the CFR itself or the requirements in the CFR. The Government Printing Office frequently updates the e-CFR Web site; where appropriate, hyperlinks to the respective CFR section at the e-CFR Web site are provided.

This reference document presents only the federal Definition of Solid Waste. Most states are authorized to manage their own solid and hazardous waste generator regulatory program. Therefore, states may have their own set of regulations that apply in lieu of federal regulations, and while most state solid and hazardous waste regulations are based on the federal requirements, some states have developed regulations more stringent than the federal program. We direct you to the following Web site to determine if the state regulatory program is different from the federal program:

<http://www.epa.gov/epawaste/wyl/stateprograms.htm>.

The Definition of Solid Waste includes multiple subtopics, and is codified under 40 CFR. To help users of the Compendium more quickly identify the information they need, and to make the Compendium more user-friendly in an electronic environment, the Compendium has been divided into multiple volumes. These volumes are available through EPA's Definition of Solid Waste Web site at <http://www.epa.gov/epawaste/hazard/dsw/compendium.htm>. Because regulations are promulgated throughout the year, EPA intends to update the Compendium volumes periodically to remain up-to-date with regulations relating to the Definition of Solid Waste.

#### *About the Legitimate Recycling Volume*

This volume of the Compendium references resources pertaining to legitimate recycling as it relates to the Definition of Solid Waste and hazardous waste recycling regulations. The *Resources* section is comprised of a table that provides basic details about and a hyperlink to each resource. Please see the “Navigation Tips” section for document navigation guidance.

This reference document does not provide guidance on solid waste or hazardous waste regulations beyond issues concerning resources pertaining to legitimate recycling as it relates to the Definition of Solid Waste and hazardous waste recycling regulations. For more information regarding the various regulations applied to facilities generating or managing hazardous waste, see [Hazardous Waste Generators: A User Friendly Reference Document](#).

The Compendium volumes are also available in Microsoft Word format from EPA upon request. For more information on these versions and any other questions or comments concerning this document, please contact EPA's Office of Resource Conservation and Recovery:

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## Resources

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Resource	Document Date	Type	Topic is Focus?	Link to EPA Summary	Link to Resource
1. 45 FR 33084 - Hazardous Waste Management System: General (Final) [p. 33093]	5/19/1980	Federal Register	Yes	N/A	<a href="#">PDF</a>
2. 48 FR 11157 Enforcement Guidance for Legitimate Recycling by Energy Recovery [All pages]	3/16/1983	Federal Register	Yes	N/A	<a href="#">PDF</a>
3. 50 FR 614 - Amendments to Definition of Solid Waste (Final) [pp. 638, 648-649]	1/4/1985	Federal Register	Yes	N/A	<a href="#">PDF</a>
4. 50 FR 1684 - Hazardous Waste Burned for Energy Recovery (Proposed) [p. 1690]	1/11/1985	Federal Register	Yes	N/A	<a href="#">PDF</a>
5. 50 FR 49164 - Burning of Waste Fuel and Used Oil Fuel in Boilers and Industrial Furnaces (Final) [pp. 49166-49167]	11/29/1985	Federal Register	Yes	N/A	<a href="#">PDF</a>
6. 52 FR 16982 - Burning Hazardous Waste in Boilers and Industrial Furnaces (Proposed) [p. 17013]	5/6/1987	Federal Register	Yes	N/A	<a href="#">PDF</a>
7. 53 FR 519 - Amendments to Definition of Solid Waste (Proposed) [p. 522]	1/8/1988	Federal Register	Yes	N/A	<a href="#">PDF</a>
8. 53 FR 17578 - Land Disposal Restrictions – First Third (Proposed) [pp. 17605-17606]	5/17/1988	Federal Register	Yes	N/A	<a href="#">PDF</a>
9. 54 FR 43178 - Burning of Hazardous Waste in Boilers and Industrial Furnaces (Supplement to Proposed Rule) [pp. 43731-43732]	10/26/1989	Federal Register	Yes	N/A	<a href="#">PDF</a>
10. 54 FR 48372 - Land Disposal Restrictions for Third Scheduled Waste part 2 (Final) [pp. 48493-48494]	11/22/1989	Federal Register	Yes	N/A	<a href="#">PDF</a>
11. 56 FR 7134 - Burning Hazardous Waste in Boilers and Industrial Furnaces (Final) [pp. 7143, 7149, 7159, 7183-7184, 7185]	2/21/1991	Federal Register	Yes	N/A	<a href="#">PDF</a>
12. 56 FR 42504 - Burning of Hazardous Waste in Boilers and Industrial Furnaces (Final) [pp. 42508-42509]	8/27/1991	Federal Register	Yes	N/A	<a href="#">PDF</a>

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13. 60 FR 11702 - Land Disposal Restrictions – Phase III (Proposed) [pp. 11732-11733]	3/2/1995	Federal Register	Yes	N/A	<a href="#">PDF</a>
14. 60 FR 57747 - Identification and Listing of Hazardous Wastes (Proposed) [p.57781]	11/20/1995	Federal Register	Yes	N/A	<a href="#">PDF</a>
15. 62 FR 6622 - Military Munitions: Hazardous Waste Identification and Management (Final) [pp. 6630-6631]	2/12/1997	Federal Register	Yes	N/A	<a href="#">PDF</a>
16. 62 FR 26041 - Land Disposal Restrictions Phase IV: Second Supplemental Proposal on Treatment Standards for Metal Wastes and Mineral Processing Wastes (Supplemental Proposed) [pp. 26061-26062]	5/12/1997	Federal Register	Yes	N/A	<a href="#">PDF</a>
17. 63 FR 28555 - Land Disposal Restrictions Phase IV: Final Rule Promulgating Treatment Standards for Metal Wastes and Mineral Processing Wastes (Final) [p. 28587]	5/26/1998	Federal Register	Yes	N/A	<a href="#">PDF</a>
18. 64 FR 36466 - Land Disposal Restrictions Phase IV (Technical Correction) [pp. 36466, 36477-36478]	7/6/1999	Federal Register	Yes	N/A	<a href="#">PDF</a>
19. 64 FR 63382 - Identification and Listing of Hazardous Wastes (Proposed) [pp. 63450-63451]	11/19/1999	Federal Register	Yes	N/A	<a href="#">PDF</a>
20. 65 FR 70953 - Requirements for Zinc Fertilizers Made From Recycled Hazardous Secondary Materials (Proposed) [pp. 70953-70982]	11/28/2000	Federal Register	Yes	N/A	<a href="#">PDF</a>
21. 67 FR 11251 - Definition of Solid Waste; Toxicity Characteristic (Proposed) [p. 11252]	3/13/2002	Federal Register	Yes	N/A	<a href="#">PDF</a>
22. 67 FR 13683 - Regulation of Hazardous Oil-Bearing Secondary Materials From the Petroleum Refining Industry and Other Hazardous Secondary Materials Processed in a Gasification System To Produce Synthesis Gas (Proposed) [pp. 13691-13692]	3/25/2002	Federal Register	Yes	N/A	<a href="#">PDF</a>
23. 67 FR 40508 - Cathode Ray Tubes and Mercury-Containing Equipment (Proposed) [p. 40513]	6/12/2002	Federal Register	Yes	N/A	<a href="#">PDF</a>

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24. 67 FR 48393 - Zinc Fertilizers Made From Recycled Hazardous Secondary Materials (Final) [pp. 48393-48415]	7/24/2002	Federal Register	Yes	N/A	<a href="#">PDF</a>
25. 68 FR 61538 - Revisions to the Definition of Solid Waste (Proposed) [pp. 61581-61588]	10/28/2003	Federal Register	Yes	N/A	<a href="#">PDF</a>
26. 71 FR 42928 - Cathode Ray Tubes (Final) [pp. 42927-42949]	7/28/2006	Federal Register	Yes	N/A	<a href="#">PDF</a>
27. 72 FR 14172 - Revisions to the Definition of Solid Waste (Supplemental Proposed) [pp. 14197-14201]	3/26/2007	Federal Register	Yes	N/A	<a href="#">PDF</a>
28. 73 FR 64668 – Revisions to the Definition of Solid Waste (Final) [pp. 64700-64710; 64741-64750]	10/30/2008	Federal Register	Yes	N/A	<a href="#">PDF(64668-64716)</a> <a href="#">PDF (64717-64766)</a> <a href="#">PDF (64767-64788)</a>
29. HAZARDOUS WASTE BURNED FOR ENERGY RECOVERY VS. INCINERATION	5/1/1983	Q & A	Yes	<a href="#">Summary</a>	<a href="#">PDF</a>
30. INTERIM STATUS NEEDED FOR OPEN BURNING (OB)	1/1/1984	Q & A	Yes	<a href="#">Summary</a>	<a href="#">PDF</a>
31. Guidance Manual on the RCRA Regulation of Recycled Hazardous Wastes	3/1986	Guidance	Yes	N/A	<a href="#">PDF</a>
32. COPPER-BEARING SECONDARY MATERIALS AS FEEDSTOCK	3/22/1988	Letter	Yes	<a href="#">Summary</a>	<a href="#">PDF</a>
33. DROSS FROM ALUMINUM SMELTING USED IN MANUFACTURE OF CEMENT	2/7/1989	Letter	No	<a href="#">Summary</a>	<a href="#">PDF</a>
34. RECYCLING OF ELECTROPLATING SLUDGES (F006) FOR CEMENT/AGGREGATE MANUFACTURE ("Lowrance Memo")	4/26/1989	Memo	Yes	<a href="#">Summary</a>	<a href="#">PDF</a>
35. REGULATORY STATUS OF F006 RECLAMATION PROCESS	8/23/1989	Letter	No	<a href="#">Summary</a>	<a href="#">PDF</a>
36. RECYCLING OF K061 AS AN INGREDIENT IN CEMENT	2/13/1990	Memo	Yes	<a href="#">Summary</a>	<a href="#">PDF</a>
37. GROUNDWATER "CONTAINED IN" POLICY	5/1/1990	Q & A	Yes	<a href="#">Summary</a>	<a href="#">PDF</a>
38. TANK TREATMENT SYSTEM OF METAL-RICH RINSEWATERS	8/1/1990	Letter	Yes	<a href="#">Summary</a>	<a href="#">PDF</a>

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39. K-WASTE FILTER CAKE IN THE MANUFACTURE OF CEMENT	12/21/1990	Letter	Yes	<a href="#">Summary</a>	<a href="#">PDF</a>
40. HAZARDOUS WASTEWATERS USED AS QUENCHWATER IN CEMENT PRODUCTION	2/15/1991	Letter	No	<a href="#">Summary</a>	<a href="#">PDF</a>
41. TWO WASTE OIL MANAGEMENT PRACTICES REGULATORY STATUS	6/5/1991	Memo	Yes	<a href="#">Summary</a>	<a href="#">PDF</a>
42. USE OF PETROLEUM-CONTAMINATED SOILS AS AN INGREDIENT IN ASPHALT BATCHING	6/20/1991	Memo	No	<a href="#">Summary</a>	<a href="#">PDF</a>
43. BAGHOUSE DUSTS USED AS, OR TO PRODUCE, AGGREGATE	6/21/1991	Letter	No	<a href="#">Summary</a>	<a href="#">PDF</a>
44. MATERIALS USED IN FERTILIZER PRODUCTION MANAGEMENT	10/11/1991	Letter	Yes	<a href="#">Summary</a>	<a href="#">PDF</a>
45. STATUS OF UNLISTED COMMERCIAL CHEMICAL PRODUCTS WHEN RECYCLED	2/23/1993	Letter	No	<a href="#">Summary</a>	<a href="#">PDF</a>
46. CLARIFICATION OF THE TERM ""WHEN"" IN 40 CFR 261.2(c)	5/6/1993	Letter	No	<a href="#">Summary</a>	<a href="#">PDF</a>
47. HAZARDOUS WASTE RECYCLING REGULATIONS TO A PROPOSED INK RECYCLING PROCESS	9/1/1993	Letter	Yes	<a href="#">Summary</a>	<a href="#">PDF</a>
48. REGULATORY DETERMINATION ON THE STATUS OF PRECIOUS METAL RECOVERY FURNACES	12/27/1993	Memo	Yes	<a href="#">Summary</a>	<a href="#">PDF</a>
49. REGULATORY STATUS OF NATURAL GAS PIPELINE CONDENSATE	4/15/1994	Letter	Yes	<a href="#">Summary</a>	<a href="#">PDF</a>
50. SHAM RECYCLING POLICY AS IT PERTAINS TO THE BOILER AND INDUSTRIAL FURNACE RULE	6/7/1994	Letter	Yes	<a href="#">Summary</a>	<a href="#">PDF</a>
51. MANAGEMENT OPTIONS FOR MERCURY-CONTAINING LAMPS	7/14/1994	Letter	Yes	<a href="#">Summary</a>	<a href="#">PDF</a>
52. CLARIFICATION: IS A FACILITY THAT HAS A ""PRIMARY PURPOSE"" OF BURNING HAZARDOUS WASTE FOR DESTRUCTION SUBJECT TO RCRA REGULATIONS?	7/21/1994	Memo	Yes	<a href="#">Summary</a>	<a href="#">PDF</a>

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53. PROCESSING LEAD ABATEMENT DEBRIS TO MEET HAZARDOUS WASTE RECYCLER'S SPECIFICATIONS IS NOT ""TREATMENT"" AS DEFINED IN 40 CFR 260.10	10/7/1994	Letter	Yes	<a href="#">Summary</a>	<a href="#">PDF</a>
54. REGULATORY INTERPRETATIONS UNDER RCRA CONCERNING CERTAIN FUEL BLENDING SCENARIOS	11/8/1994	Letter	Yes	<a href="#">Summary</a>	<a href="#">PDF</a>
55. SOLID WASTE DETERMINATION FOR SPILLED COMMERCIAL CHEMICAL PRODUCTS	5/1/1995	Q & A	Yes	<a href="#">Summary</a>	<a href="#">PDF</a>
56. USE OF INDUSTRIAL HAZARDOUS AND NON-HAZARDOUS WASTES AS FEEDSTOCK FOR A CATALYTIC EXTRACTION PROCESSING (CEP) UNIT	4/12/1996	Letter	Yes	<a href="#">Summary</a>	<a href="#">PDF</a>
57. REGULATORY STATUS OF RECYCLING FOUNDRY SANDS AND FUTURE CHANGES TO THE REGULATIONS GOVERNING HAZARDOUS WASTE RECYCLING	4/22/1996	Letter	No	<a href="#">Summary</a>	<a href="#">PDF</a>
58. CLARIFICATION OF THE DEFINITION OF COMMERCIALLY AVAILABLE TREATMENT TECHNOLOGY & DISPOSAL CAPACITY VIS-A-VIS RCRA SECTION 3004(J)	7/5/1996	Letter	Yes	<a href="#">Summary</a>	<a href="#">PDF</a>
59. SPENT ALUMINUM POTLINER (K088) RECYCLING	2/24/1997	Letter	Yes	<a href="#">Summary</a>	<a href="#">PDF</a>
60. REGULATORY STATUS OF VITRIFICATION PROCESSES FOR SPENT ALUMINUM POTLINER	7/30/1997	Letter	Yes	<a href="#">Summary</a>	<a href="#">PDF</a>
61. USE OF INDUSTRIAL WASTES TO PRODUCE FERTILIZERS	8/12/1997	Letter	Yes	<a href="#">Summary</a>	<a href="#">PDF</a>
62. REGULATORY STATUS OF USED PARTS WASHING SOLVENT	8/21/1998	Letter	No	<a href="#">Summary</a>	<a href="#">PDF</a>
63. CLASSIFICATION OF SPENT FERRIC CHLORIDE MATERIAL USED IN WASTE WATER TREATMENT	3/15/1999	Letter	Yes	<a href="#">Summary</a>	<a href="#">PDF</a>
64. GUIDANCE ON WASTEWATER TREATMENT	8/4/2000	Memo	No	<a href="#">Summary</a>	<a href="#">PDF</a>

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65. RCRA REQUIREMENTS FOR FOUNDRY SANDS USED IN THE MANUFACTURE OF CASTINGS	3/28/2001	Letter	Yes	<a href="#">Summary</a>	<a href="#">PDF</a>
66. REGULATORY STATUS OF DROP-OUT SLAG GENERATED AT ELECTRIC ARC FURNACES	5/17/2001	Letter	Yes	<a href="#">Summary</a>	<a href="#">PDF</a>
67. REGULATORY STATUS OF THE CATOXID FLUIDIZED BED REACTOR	11/15/2001	Memo	No	<a href="#">Summary</a>	<a href="#">PDF</a>
68. GUIDANCE FOR IDENTIFYING INCIDENTAL PROCESSING ACTIVITIES	10/4/2005	Memo	No	<a href="#">Summary</a>	<a href="#">PDF</a>
69. DSW COMPILATION: The Legitimate Recycling Standard	06/01/2010	Guidance	Yes	N/A	<a href="#">PDF</a>
70. DSW COMPILATION: The History of Legitimate Recycling	06/01/2010	Guidance	Yes	N/A	<a href="#">PDF</a>

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## Glossary of Acronyms

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Acronym	Meaning
CEP	Catalytic Extraction Processing
CFR	Code of Federal Regulations
e-CFR	electronic Code of Federal Regulations
EPA	Environmental Protection Agency
FR	Federal Register
OB	Open Burning
RCRA	Resource Conservation and Recovery Act